

FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FALLON PAIUTE-SHOSHONE TRIBE;
CENTER FOR BIOLOGICAL DIVERSITY,

Plaintiffs-Appellees,

v.

U.S. DEPARTMENT OF THE INTERIOR;
et al.,

Defendants,

and

ORMAT NEVADA, INC.,

Intervenor-Defendant-
Appellant.

FALLON PAIUTE-SHOSHONE TRIBE;
CENTER FOR BIOLOGICAL DIVERSITY,

Plaintiffs-Appellants,

v.

U.S. DEPARTMENT OF THE INTERIOR;
et al.,

Defendants-Appellees,

ORMAT NEVADA, INC.,

Intervenor-Defendant-

No. 22-15092

D.C. No. 3:21-cv-00512-RCJ-WGC
District of Nevada,
Reno

ORDER

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FEB 4 2022

Appellee.

Before: CHRISTEN and NGUYEN, Circuit Judges.

Ormat Nevada, Inc.'s motion to stay or modify the district court's injunction pending appeal (Docket Entry No. 4 in No. 22-15092) is granted. *See Nken v. Holder*, 556 U.S. 418 (2009) (setting forth moving party's burden and discussing factors for consideration). The district court's preliminary injunction is stayed pending resolution of these cross-appeals.

Fallon Paiute-Shoshone Tribe and Center for Biological Diversity's motion to expedite (Docket Entry No. 9 in No. 22-15092) is granted in part.

The first brief on cross-appeal has been filed. The second brief on cross-appeal is now due March 4, 2022; the third brief on cross-appeal is due April 1, 2022; and the optional cross-appeal reply brief is due within 21 days after service of the third brief on cross-appeal. No streamlined extensions of time will be approved under Ninth Circuit Rule 31-2.2(a). Any request for an extension of time to file a brief must be made by written motion under Ninth Circuit Rule 31-2.2(b).

The Clerk will place these cases on the next available calendar upon the completion of briefing. *See* 9th Cir. Gen. Ord. 3.3(f).